

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

James W. Moody

: Vs. :

THE CITY OF PHILADELPHIA, et al.

CIVIL ACTION

No. 2:18-cv-02413

**FILED**  
NOV 19 2018  
KATHLEEN M. CLARK  
By \_\_\_\_\_ Dep. Clerk

**MOTION FOR LEAVE TO FILE AN  
AN AMENDED COMPLAINT**

1) Plaintiff, James W. Moody, pursuant to Rules 15(a) and 19(a) ,Fed. R.Civ. P., request leave to file an amended complaint adding parties as maybe deemed necessary pursuant Movant's argument regarding unnamed Defendants.

2) Plaintiff also request that the time to Amend Complaint not be started until All of the names, badge numbers, worker I.D. numbers, positions, ranks, and titles be forwarded to Plaintiff in order to satisfy Movant's demands upon Complaint that it may meet the legal and Lawful standard.

3) This Court should grant leave freely to amend complaint. Foman v. Davis, 371 U.S. 178, 182 (1962).

*Respectfully submitted*  
James W. Moody  
612 E. Vernon Rd.  
Phila. Pa., 19119  
215-252-0295

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**: Vs. :**

**THE CITY OF PHILADELPHIA, et al.**

**CIVIL ACTION**

**No. 2:18-cv-02413**

**ORDER**

AND NOW, this                      day of November,        2018 , upon consideration of the City of Philadelphia's immediate return of Mr. James W. Moody's Firearm filed on November, 19 2017 , and upon consideration of the evidence and/or legal arguments presented, in that Plaintiff has violated no Laws, Statutes, or Ordinances that are Lawfully justifiable, nor are there ANY legal or lawful claims as to such, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that: James W. Moody's firearm be returned immediately to his person.

**BY THE COURT:**

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**J.**

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**ORDER**

AND NOW, this                      day of November,        2018 , upon consideration of the Identifications of The Defendants filed on November, 19 2017, and upon consideration of the evidence and/or legal arguments presented, **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that: The City give the names, badge numbers, worker I.D. numbers, positions, ranks, and titles to Plaintiff as to be in the Civil Action No. 2:18-cv-02413.

(Police Officers, Gun Unit Supervising Personnel, L&I Hearing board(s) as they were involved in both incidents surrounding this matter).

**BY THE COURT:**

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**J.**

**Durable Power Of Attorney**

**State of Pennsylvania**

**EFFECTIVE DATE:** May 11th, 2016

**DESIGNATION OF AGENT:** I, James Walker Moody, name the following person as my attorney-in-fact, hereinafter to be known as my agent for this Durable Power of Attorney: Paul Moody (Jr.). The agent's address and telephone number, as I am currently aware of it, is as follows:

619 N. 67th. St.

Phila. Pa. 19151

215-670-8237

**GRANT OF AUTHORITY:** I grant my agent general authority to act for me with respect to the following subjects:

- a) Claims and Litigation;
- b) Records, Reports & Statements;

I understand that granting my agent this general authority means that my agent will be able to undertake any action in regards to the subject areas listed above.

**FURTHER SPECIFIC AUTHORITY:** My agent may also have the power to undertake and effectuate the following specific acts, regarding **ALL MATTERS AS THEY PERTAIN TO CIVIL ACTION: 2:18-cv-02413; James W. Moody v. The City Of Philadelphia, et al. and ALL OTHER related matters both Direct and Indirect.**

**GOVERNING LAW:** The law of the state of Pennsylvania shall govern this Power of Attorney in all respects.

**REVOCATION OF THIS DOCUMENT:** The Principal may revoke all or any part of the powers granted in this Power of Attorney. Such revocation may be effected by following applicable state statutes for revocation.

**NOTICE TO THIRD PARTIES:** Any third party who relies on the reasonable representations of an agent regarding a matter relating to a power granted by a properly executed statutory Power of Attorney form shall not incur any liability to the principal, or the principal's heirs, assigns, or estate as a result of permitting the agent to exercise the authority granted by the power of

attorney. A third party who fails to honor a properly executed statutory Power of Attorney may be liable to the principal, the agent, the principal's heirs, assigns, or estate for civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory Power of Attorney. If the Power of Attorney is one which becomes effective upon the incapacity of the principal, the incapacity of the principal is established by an affidavit, as required by law.

I have not filled out an advanced healthcare directive, appointing an agent to make decisions for my health.

#### **INSTRUCTIONS TO AGENT**

Accepting this Power of Attorney means that you have chosen to act as an agent for your Principal. This means a special legal relationship will have been created between the two of you, a relationship that means you must undertake certain legal duties until this Power of Attorney ends, whether it is because you choose to resign or whether it is because the Power of Attorney gets terminated or revoked.

Your duties include, but are not limited to:

- a) Acting in a way that the principal expects you to or acting in the principal's best interest with regard to the Actions discussed herein;
- b) Acting only within the authority granted in this Power of Attorney;
- c) Acting with loyalty towards the Principal;
- d) Avoiding any conflicts of interest that would detrimentally affect your ability to act for the Principal's best interests;
- e) Acting with competence, diligence, and care;
- f) Keeping a record of all transactions made under the authority granted by this Power of Attorney;
- g) Preserving any estate plan the Principal has made if you are aware of it and if it is consistent with the Principal's best interests;
- h) Cooperating with anyone that may be making healthcare decisions for and on behalf of the Principal, as long as those decisions are being made according to the Principal's expectations or best interests;
- i) Acting in good faith; and
- j) Making sure that you disclose your agent relationship with the principal any time you sign or otherwise execute a legal document. You may do so by writing the principal's name, followed by your name and signature and then listing "As Agent" next to your signature.

**TERMINATION OF AGENT'S AUTHORITY:** If there is any event that you become aware of that terminates this Power of Attorney or your authority under it, you must immediately stop acting as Agent for your Principal. Such events which may terminate this Power of Attorney or your authority under it include:


- a) The Principal's revocation of this document;
- b) The occurrence of any termination event which may be stated herein;
- c) The purposes of this Power of Attorney have been fully accomplished;
- d) The Principal dies; or
- e) If you are married to the Principal, any legal action which terminates your marital relationship unless any instructions herein state otherwise.

If there is anything about this document or your duties that you do not understand, you should seek independent legal counsel.

**EXECUTION:**

I, JAMES W. MOODY, the principal, sign my name to this Power of Attorney on the date listed below and being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the Power of Attorney and I declare that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

Name of Principal: James W. Moody

  
Signature of Principal

7.24.18

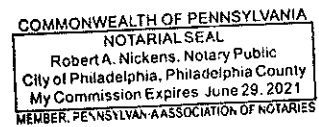
Date

State of Pennsylvania

County of: PHILA

On this 24 day of SEPT, 2018 before me,  
personally appeared JAMES W. MOODY, to me known to be  
the person described in and who executed the foregoing instrument, and acknowledged that  
they executed it as their free act and deed.

Robert A. Nickens



Notary Signature, Printed Name, and Notary/Bar Roll Number

From: The Watcher BigDaddgi@gmail.com  
Subject: Civil Action No.2:18-cv02413 regarding non-receipt of Answer to Complaint & Power Of Attorney.  
Date: October 26, 2018 at 3:17 AM  
To: andrew.pomager@phila.gov  
Cc: jameswalker.moody@gmail.com

Dear Andrew F. Pomager,

A legal paper has been ordered by the court to have been filed 10/22/2018 as per the requested extension by you and/or your office, in the interim four(4) days or an excess of 96 hours have passed and I have yet to receive anything regarding this matter from you or your office in the form of a response. Please send the **Answer to Complaint** to both of the corresponding emails **immediately**, as I currently have no access to the Federal server.

Mr. Pomager, you have been previously notified via telephone conversation personally that Paul Moody (jr.), (Brother) would be acting on my behalf and at my behest due to my inability to address matters because of my work schedule, to this end, I am sending you documentation of his status as my Attorney in fact. Thank you for your cooperation and that of your office.

James W. Moody  
The Patron of Philadelphia

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1

attorney. A third party who fails to honor a properly executed statutory Power of Attorney may be liable to the principal, the agent, the principal's heirs, assigns, or estate for civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory Power of Attorney. If the Power of Attorney is one which becomes effective upon the incapacity of the principal, the incapacity of the principal is established by an affidavit, as required by law.

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2

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Name of Principal: James W. Moody



Signature of Principal

7.24.18

Date